

# Notice of Allowability

Application No.

10/650,032

Examiner

Man Phan

Applicant(s)

BOTVICH, DMITRI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 8/9/2007.
2. ☒ The allowed claim(s) is/are 1-16, 23-35, 42-53, 56-61, 65-68 (Claims are renumbered as 1-51 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Reasons for allowance*

1. This communication is in response to applicant's 08/09/2007 amendment in the application of Botvich for the "Method and system for bandwidth estimation" filed 08/28/2003.

This application is a continuation in part of PCT/IE01/00030 International Filing Date: 02/28/2001. The amendment and response filed 08/09/2007 has been entered and made of record. Claims 17-22, 36-41, 54-55, 62-64 and 69-71 have been canceled per applicant's request, and claims 1, 23, 42, 56, 65 have been amended to better point out and more distinctly claim subject matter comprising the invention.

2. Claims 1-16, 23-35, 42-53, 56-61, 65-68 are allowable as evident by applicant's amendment (Claims are renumbered as 1-51 respectively).

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or suggest a system and method for estimating the effective bandwidth requirement at a node in a communications network comprising: (a) at least one computer connected to the node; (b) a database of relationships comprising, for a previously sampled-traffic flow, an identifier for the traffic flow, an estimate of the mean rate of flow of said identified traffic flow, and an estimated effective bandwidth requirement for the said identified traffic flows, together with a measure of the relationship between the mean rate of flow and the effective bandwidth requirement; (c) means for sampling traffic on-line at the node; (d) means for allocating an identifier to the traffic on-line at the node; (e) means for estimating the mean

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rate of flow of the traffic on-line; (f) means for comparing the identifier of the traffic on-line with the identifiers in the database; (g) means for identifying the closest stored identifier in the database with that of the traffic on-line; and (h) means for extracting the appropriate relationship from the database and estimating the effective bandwidth requirement of the traffic flow on-line, as specifically recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

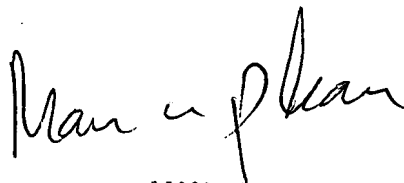
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

October 10, 2007

  
MAN U. PHAN  
PRIMARY EXAMINER